

REMARKS

Claims 1-26 are pending in this application. By this Amendment, claims 1, 3-9, 11, 13-16, 21, 25 and 26 are amended to correct minor informalities.

Applicants appreciate the courtesies extended to Applicants' representative by Examiner Edouard during the May 20, 2004 personal interview. Applicants incorporate the reasons presented at the interview as warranting favorable action into the following. Thus, the following remarks constitute Applicants' separate record of the interview.

The Office Action rejects claims 25 and 26 under 35 USC § 102(e) over U.S. Patent 6,112,168 to Corston et al. (hereinafter "Corston"). Applicants respectfully traverse the rejection.

The Office Action relies on column 1, lines 25-30 of Corston as allegedly disclosing "segmenting a text into at least one units based on the Linguistic Discourse Model theory of discourse," as recited in claims 25 and 26. However, neither this passage, nor any other part of Corston, discloses, teaches, or suggests the Linguistic Discourse Model theory of discourse. As agreed upon during the April 22, 2003 and December 10, 2003 personal interviews, Corston only discloses teaches and suggests using the Discourse Structure theory of discourse (see e.g., col. 4, lines 17-26; col. 4, lines 27-29; col. 4, lines 32-42; col. 4, lines 43-55 col. 26, lines 14-20; col. 26, lines 44-49; and claims 1, 12, 19, and 28). Thus, Corston cannot reasonably be considered to disclose "segmenting a text into at least one units based on the Linguistic Discourse Model theory of discourse," (emphasis added) as recited in claims 25 and 26.

During the May 20, 2004 personal interview, Examiner Edouard stated that, despite Corston's failure to disclose that the Discourse Structure theory is in any way similar to the Linguistic Discourse Model theory, Applicants have not provided evidence that the Discourse Structure theory is different than the Linguistic Discourse Model. Thus, Examiner Edouard

indicated that he would not withdraw the rejection. In effect, Examiner Edouard is requiring the Applicants to prove that claims 25 and 26 are patentable over Corston without providing any evidence (i.e., passage in Corston) that they are unpatentable over Corston. However, it is well settled that the burden is on the Examiner to provide evidence that the features of a claim may be found in the prior art (see the preamble of 35 U.S.C. §102 which states that "a person shall be entitled to a patent unless..."). Thus, under §102 the burden is on the Examiner to prove that claims 25 and 26 are not patentable over Corston. Because the Examiner has failed to cite a portion of Corston that discloses "segmenting a text into at least one units based on the Linguistic Discourse Model theory of discourse," Applicants respectfully request withdrawal of the rejection.

In order to further prosecution, Applicants note that at least section 12.3 (pages 133-134) in Polanyi, *The Linguistic Discourse Model: Towards a Formal Theory of Discourse Structure*, specifically highlights some of the differences between Corston's disclosed Discourse Structure theory and Applicants' claimed Linguistic Discourse Model theory. Thus, Corston cannot reasonably be considered to disclose, teach, or suggest the Linguistic Discourse Model theory, as recited in claims 25 and 26.

The Office Action rejects claims 25 and 26 under 35 U.S.C. §102(b) over Polanyi, *The Linguistic Discourse Model: Towards a Formal Theory of Discourse Structure* (hereinafter "Polanyi"). Applicants respectfully traverse the rejection.

By this amendment, Applicants amend claims 25 and 26 to recite "providing, based on the analyzed at least one text building units, objective feedback for teaching expository writing." Support for these amendments may be found at least on pg. 4, lines 27-29; pg. 11, lines 16-28; and pg. 14, lines 12-28 of Applicants' specification. Polanyi does not disclose providing feedback based on the analyzed text, as recited in claims 25 and 26. Thus, Applicants respectfully request withdrawal of the rejection.

The Office Action rejects claims 1-13, 16-18, 20, and 22-24 under 35 U.S.C. §103(a) over Corston. Applicants respectfully traverse the rejection.

Initially, Applicants note that the Office Action fails to allege that Corston in any way discloses, teaches, or suggests the features of claims 4-7, 10, 11, 16-18, 20, and 22-24. In fact, the Office Action explicitly recognizes this fact by relying on Takeshita and Corston to reject claims 4-7, 10, 11, 16, 18, 20, and 22-24, as discussed below.

Furthermore, as discussed in detail during the May 20, 2004 personal interview, and as agreed upon during the April 22, 2003 and December 10, 2003 personal interviews, the disclosure of Corston is incompatible with selecting a theory of discourse analysis for teaching writing, as recited in claims 1 and 16. As agreed upon during the April 22, 2003 and December 10, 2003 personal interviews, the step of selecting a theory of discourse analysis requires that there be a plurality of discourse theories. "Select" is commonly defined as "to take as a choice from among several." (The American Heritage College Dictionary, 3rd edition, page 1235). It is explicit in this definition that selecting requires that there be plurality of discourse theories. Also, as agreed upon during the April 22, 2003 and December 10, 2003 personal interviews, Corston only discloses using a single theory (i.e., the Discourse Model theory of discourse) and nowhere discloses, teaches, or suggests the possibility or advantages of using a plurality of theories. Therefore, as agreed upon during the April 22, 2003 personal interview, it is impossible to select a theory of discourse analysis when there is only a single theory. Accordingly, modifying Corston as suggested by the Office Action to include a menu for selecting a single discourse theory is incompatible with the common definition of "select."

Therefore, Corston cannot reasonably be considered to disclose, teach, or suggest selecting a theory of discourse analysis for teaching writing, as recited in claims 1 and 16. Thus, claims 1 and 16, as well as claims 2-13, 17-18, 20 and 22-24 which variously depend

therefrom, are patentable over Corston. Applicants respectfully request withdrawal of the rejection.

The Office Action rejects claims 4-6, 10, 11, 16-18, and 22-24 under 35 U.S.C. §103(a) over Corston in view of U.S. Patent 5,642,520 to Takeshita et al. (hereinafter "Takeshita"). Applicants respectfully traverse the rejection.

The rejection is premised upon the assumption that Corston discloses, teaches, or suggests selecting a theory of discourse analysis for teaching writing, as recited in claims 1 and 16. Because, as discussed above, Corston does not disclose, teach, or suggest selecting a theory of discourse analysis for teaching writing, the rejection is improper. Accordingly, Applicants respectfully request withdrawal of the rejection.

The Office Action rejects claims 14, 15, 19, and 21 under 35 U.S.C. §103(a) over Corston in view of Takeshita and further in view of Barzilay et al., *Using Lexical Chains for Text Summarization* (hereinafter "Barzilay"). Applicants respectfully traverse the rejection.

The rejection is also premised upon the assumption that Corston discloses, teaches, or suggests selecting a theory of discourse analysis for teaching writing. Because, as discussed above, Corston does not disclose, teach, or suggest selecting a theory of discourse analysis for teaching writing, the rejection is improper. Accordingly, Applicants respectfully request withdrawal of the rejection.

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Applicants earnestly solicit favorable reconsideration and prompt allowance of claims 1-26.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, Applicants invite the Examiner to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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